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# Appeal Decision

Site Visit made on 23 March 2021

**by Steven Rennie BA (Hons), BSc (Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 April 2021**

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**Appeal Ref: APP/Z5630/W/20/3262348**

**27 Oak Hill Crescent, Surbiton, KT6 6EQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mr David Pengilly against Royal Borough of Kingston Upon Thames.
  - The application Ref 20/02182/HOU, is dated 4 September 2020.
  - The development proposed is the erection of part single, part double storey rear extension and front dormer roof extension.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The planning application was not determined by the Council before it was appealed. From the Council's Appeal Statement of Case and all the other evidence submitted I would regard the main issues as being the effect of the development on (1) the Oak Hill Conservation Area (CA) and the character and appearance of the area, and (2) the living conditions of neighbours to the site.

## Reasons

### *Conservation Area/Character and Appearance*

3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions. The National Planning Policy Framework (the Framework) also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
4. The site is within a CA, which derives its character from the quality suburban streets with Regency and Victorian buildings, for example. However, the appeal building is a modern chalet style house which has been converted to flats. The surrounding buildings are primarily modern too, including the hospital building to the rear of the site.
5. The proposal includes an extension to the front dormer, essentially extending it along the front roof slope. It would be in keeping with the existing dormer in its appearance. Furthermore, the existing front dormer does not appear

completely central and so there would be no harm in the dormer extension resulting in a front elevation that was not symmetrical.

6. To the rear elevation is proposed a large first floor flat roof extension. Whilst there are examples of modern buildings with flat roofs in the wider area, this proposed extension would be a large and bulky addition, with the flat roof not responding to the chalet design approach of the house. I acknowledge why a flat roof was incorporated into the design (such as the consideration of the overall height), but I am not satisfied that a better design solution could not be found. Furthermore, although the rear of the property is a hospital carpark area, there is also a footpath used by the public that runs near to the rear boundary. The proposed rear extension would appear prominent (even with the trees providing some screening) and also incongruous from this view.
7. The site is not adjacent to older properties with many of the nearby buildings not particularly positive within the CA. However, the site is within the CA where the Framework makes clear that heritage assets such as this should be conserved. The proposed rear extension would be harmful to the character and appearance of this part of the CA and therefore could not be said to conserve its significance. Nevertheless, the harm would be less than substantial and in accordance with paragraph 196 of the Framework, that harm should be weighed against any public benefits of the proposal.
8. The public benefits arising from the proposal to offset the identified harm are very limited. The proposal would increase the size of one of the flats in this accessible location, and also the appellant states the works would improve the energy rating of the building. I also note the proposed use of materials to try and be sympathetic to the surrounding built environment. However, all the public benefits raised by the appellant do not outweigh the harm to the CA, to which I must attach considerable importance and weight.
9. Whilst there is no policy that resists rear extensions in general, there are policies that have regard to the need for suitable designs and to conserve heritage assets, such as CAs. The proposal is contrary to policies CS8, DM10 and DM12 of the Council's Core Strategy 2012. These policies require development to contribute to the character and local distinctiveness of a street or area, prevent inappropriate development in areas of high quality and historic interest, and preserve or enhance the existing heritage assets, amongst other things.
10. The Council have included reference to the London Plan 2016, but this has now been superseded. The appellant has highlighted policy D3 of the 2021 London Plan, which refers to the optimisation of site capacity. However, this policy also states that development should be of high quality, with architecture that pays attention to detail. I would not regard the proposal as high quality in its design. I also note that policy HC1 of the London Plan 2021 states that development proposals affecting heritage assets, and their settings, should conserve their significance.

### *Living Conditions*

11. The appeal building is used as three flats currently. There are plans of the existing and proposed internal layouts. From the submitted plans the proposed extensions should not result in any substantial loss of light for occupants of the

ground floor flats, noting the ground floor kitchen window near the proposal could be an affected window, but not to any significant degree.

12. The proposals would be for additional bedrooms over a lounge and ground floor bedroom. I have no substantive evidence before me why this should result in adverse impacts for those living in the ground floor flats through noise impact for example.
13. Overall, the proposal would have no significant impact to the living conditions of those living at No 27 Oak Hill Crescent or any neighbours living adjacent to this property. In this regard, the proposal is in accordance with policy DM10 of the Council's Core Strategy 2012, which relates to safeguarding the amenities of occupants and neighbours.

### **Conclusion**

14. For the reasons given above, the harm to the character and appearance of this area and the significance of the Conservation Area is such that it would outweigh all benefits and so I conclude that the appeal should be dismissed.

*Steven Rennie*

INSPECTOR

